

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINTS OF HELEN ADOLPHSON AND CHARLOTTE SKALLERUP	DOCKET NO. FCU-2013-0006
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ORDER GRANTING PETITION TO INTERVENE

(Issued July 29, 2013)

On June 24, 2013, the Utilities Board (Board) issued an "Order Docketing for Formal Proceeding and Assigning to Administrative Law Judge," which docketed two rural call completion complaints that had been filed with the Board. Ms. Helen Adolphson filed a complaint with the Board on January 17, 2013, stating she had experienced problems calling her mother for several months. Ms. Adolphson's complaint was identified as C-2013-0006. On January 22, 2013, Ms. Charlotte Skallerup, Ms. Adolphson's sister, filed a complaint with the Board, stating she had also experienced repeated problems calling their mother. Ms. Skallerup's complaint was identified as C-2013-0011.

On July 2, 2013, the undersigned administrative law judge issued an "Order Requiring Filings," which set a 60-day period for the parties to pursue further investigation and discovery before a procedural schedule and hearing date are set. The order set a deadline of September 3, 2013, for the parties to file a status report.

On July 23, 2013, Interstate 35 Telephone Company d/b/a Interstate Communications Company (Interstate) filed a petition to intervene in the case. In support of its petition, Interstate states it is an incumbent local exchange carrier providing terminating access services in rural Iowa, and it is the service provider for Ms. Adolphson's and Ms. Skallerup's mother, Ms. Faye Wookey. Interstate states it was contacted several times about the service complaints made in this case, and after investigation, it was unable to find any problems with its systems.

Interstate states that through its request for intervention, it seeks to assist with the pending investigation into the rural call completion issues involved in this proceeding. It states no other party will adequately represent the particular harm to Interstate.

Interstate argues the factors for intervention in Board rule 199 IAC 7.13(3) strongly support its intervention. It argues it has a substantial interest in the subject matter of the proceeding because one of its customers, Ms. Wookey, is suffering call completion issues and will likely continue to suffer them until the Board investigates and addresses the nature of the call completion problem. Interstate argues the failure of calls to complete to its customers affects the customers' satisfaction and relationship with Interstate.

Interstate further argues the Board's decision in this case will have a direct impact on it, because the decision will likely set a precedent with regard to call

completion issues in Iowa, and the conduct and practices of the parties involved in this proceeding and in the rural call completion process.

Interstate argues its participation in this proceeding will assist in the development of a complete record through its presentation of relevant evidence and argument and in having more of the impacted parties joined in a single action. Interstate argues it has a unique view on the scope of the rural call completion issues involved in this proceeding based on its investigation into the initial complaints received from its customer, Ms. Wookey.

Interstate argues no party will be prejudiced by its intervention at this time. Interstate notes the Board's order docketing the proceeding was issued on June 24, 2013. Interstate argues its petition is timely, because the Board has not yet issued an order setting a procedural schedule and hearing date, and Board rule 199 IAC 7.13(1) allows requests for intervention to be filed up to 20 days following the issuance of such an order. In addition, notes Interstate, an order was issued setting the 60-day period for discovery and further investigation before a procedural schedule and hearing date will be set.

Interstate commits to working in collaboration with the existing parties in this proceeding to avoid duplication of discovery, testimony and briefing, and states it will engage in joint activities to the extent feasible to minimize the burden on the parties and the Board.

The Board's intervention rule is at 199 IAC 7.13. Subrule 7.13(3) provides that: "any person having an interest in the subject matter of a proceeding may be permitted to intervene at the discretion of the board or presiding officer." In deciding whether to grant intervention, the undersigned is to consider: a) the prospective intervenor's interest in the subject matter of the proceeding; b) the effect of the decision on the prospective intervenor's interest; c) the extent to which the prospective intervenor's interest will be represented by the other parties; d) the availability of other means by which the prospective intervenor's interest may be protected; e) the extent to which the prospective intervenor's participation may reasonably be expected to assist in the development of a sound record through presentation of relevant evidence and argument; and f) any other relevant factors.

Board subrule 7.13(5) states that the Board or presiding officer shall generally grant leave to intervene to any person with a cognizable interest in the proceeding. Subrule 7.13(7) states that the intervenor is bound by any agreement, arrangement, or order previously made or issued in the case.

Interstate clearly meets the requirements of the rule and its petition should be granted. Interstate is Ms. Wookey's local telephone service provider. It was contacted several times about the rural call completion complaints at issue in this proceeding, and states that after investigation, was unable to find any problems with its systems. Rural call completion problems affect Interstate's relationship with its customers. The decision in this case could affect Interstate's interests as stated in its

petition. Interstate's position is unique and will not be represented by the other parties, and it is unlikely Interstate's interests could be protected by other means. Interstate's participation will assist with development of a complete and sound record as it has knowledge and information no other participant possesses.

Rural call completion complaint cases are somewhat unique as compared to other types of complaint cases. The work to be done requires several telephone carriers, the Consumer Advocate, and the customers to work together to learn what caused the problems for these customers, how the problems can be corrected so they will not reoccur, and then taking appropriate actions to correct the problems. At this point, all the telephone carriers who will need to participate in the investigation and correction of the problems may not be known. In addition, as noted by the Federal Communications Commission (FCC) and the Board, rural call completion problems appear to be increasingly common and finding solutions and preventing such problems in the first place is of particular interest to the FCC and the Board. Therefore, finding solutions in this particular case is considered in this larger context. Finding solutions may involve appropriate actions by the telephone companies involved so that call completion problems are prevented in the first place. Useful sources of information for appropriate corrective and preventive actions may include telephone carriers whose customers have not experienced call completion problems, or those who have found and implemented effective corrective solutions. Correcting and preventing these problems will require cooperation and creativity.

Interstate's willingness to assist with the investigation and commitment to collaborate with the existing parties in this case is appreciated and will help to find and correct the call completion problems experienced by these customers. Interstate's petition to intervene should be granted.

IT IS THEREFORE ORDERED:

The petition to intervene filed by Interstate 35 Telephone Company d/b/a Interstate Communications Company on July 23, 2013, is hereby granted.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Joan Conrad
Executive Secretary

Dated at Des Moines, Iowa, this 29th day of July 2013.